

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN D. CERQUEIRA,

Plaintiff,

v.

Civil Action No: 05-11652-WGY

AMERICAN AIRLINES, INC.,

Defendant.

DECLARATION OF HOWARD FRIEDMAN

I, Howard Friedman, make the following declaration under the pains and penalties of perjury:

1. I am a member of the Bar of the Supreme Court of the United States, the Supreme Judicial Court of Massachusetts, the U.S. Court of Appeals for the First Circuit, and the U.S. District Court for the District of Massachusetts. I graduated from Northeastern University School of Law and began practicing law in 1977. I have practiced law in Massachusetts continuously since then.

2. I have been engaged in the private practice of law since October, 1981. My private practice emphasizes civil rights litigation. I have lectured on the subject of police civil liability for Massachusetts Continuing Legal Education, Inc. (MCLE), Massachusetts Academy of Trial Attorneys (MATA), the Massachusetts Bar Association (MBA), FBI National Academy, New England Associates, Suffolk Law School Center for Advanced Legal Studies, National Police Accountability Project (NPAP), Association of Trial Lawyers of America (ATLA) and several law schools. I am familiar with state and federal civil rights litigation.

3. I am a member of the Massachusetts Bar Association, Individual Rights and Responsibilities Section. I served as the as the chair of the Police Misconduct Committee of that section for five years. I am currently the President of the National Police Accountability Project of the National Lawyers Guild. I served as a member of the Massachusetts Attorney General's Civil Rights Task Force and on the Police Committee of that Task Force from 1992 until 1998. I served as the Chair of the Civil Rights Section of ATLA, 1996-1997. I am often consulted by other attorneys for assistance on issues in civil rights litigation.

4. I have written and lectured on the subject attorneys' fees in civil rights case. I have also represented other attorneys in presenting attorneys' fees petitions. In 2004 I represented the Lawyers' Committee for Civil Rights of the Boston Bar Association in a civil rights attorney's fees matter. I have advised other attorneys on this subject. In January, 2005 I participated in a panel discussion on attorney's fees in civil rights cases at a seminar in Seattle, Washington.

5. In my opinion, the fair market value of legal services in federal civil rights litigation is best measured by the rates charged for complex litigation by large Boston law firms because this is a complex area of law and vindicating a federal civil rights violation serves the public interest by holding government officials and private corporations accountable to follow the law. My opinion of the rates requested in this case is supported by published reports of hourly rates charged by Boston law firms. On May 1, 2006, Massachusetts Lawyers Weekly released its annual survey of the 100 largest law firms in Massachusetts. The survey reported the following range of hourly billing rates for partners and associates at Boston law firms.¹

¹ The firms are listed in order of size. Most of the largest firms and many other firms chose not to report hourly billing rates.

FIRM NAME	PARTNERS RATES	ASSOCIATES RATES	PARALEGAL RATES
Edwards Angell Palmer & Dodge	\$375-\$650	\$150-\$480	\$100-\$175
Foley Hoag LLP	\$365-\$640	\$220-\$445	\$100-\$205
Holland & Knight	\$325-\$550	\$205-\$550	\$125-\$225
Sullivan & Worcester	\$400-\$650	\$220-\$450	\$145-\$230
Burns & Levins	\$325-\$450	\$185-\$330	\$100-\$250
Hinckley, Allen & Snyder	\$240-\$550	\$180-\$290	\$100-\$225
Robinson & Cole	\$310-\$490	\$200-\$350	\$120-\$160
Price, Lobel, Glovsky & Tye	\$325-\$425	\$185-\$300	\$85-\$145
DLA Piper, Rudnick, Gray, Cary	\$460-\$660	\$255-\$475	\$135-\$245
Murtha Cullina	\$220-\$455	\$140-\$230	\$80-\$195
Lawson & Weitzen	\$225-\$350	\$125-\$225	\$50-\$100
Lahive & Cockfield	\$425-\$550	\$250-\$375	\$180
Melick, Porter & Shea	\$125-\$250	\$115-\$200	\$50-\$75
Bernkopf Goodman	\$300-\$485	\$190-\$285	\$140-\$145
Marcus Errico Emmer & Brooks	\$290-\$360	\$300	\$115
Eckert Seamans Cherin & Mellott	\$185-\$460	\$185-\$460	\$105-\$145
Keegan Werlin	\$300-\$475	\$150-\$300	\$80-\$120
Barron & Stadfeld	\$250-\$350	\$160-\$230	\$75-\$120
Cain Hibbard Myers & Cook	\$220-\$335	\$150-\$200	\$80-\$150
Cushing & Dolan	\$295	\$225	
Donovan & O'Connor	\$140-\$210	\$140-\$210	\$55-\$65
Lowrie, Lando & Anastasi	\$335-\$440	\$175-\$345	\$125-\$155

6. I am familiar with David S. Godkin through his work for the Lawyers' Committee for Civil Rights Under Law for the Boston Bar Association. I am familiar with his reputation. Mr. Godkin has a reputation as an attorney of the highest caliber. He has been practicing law for twenty-five years. He has extensive trial experience and expertise in complex federal litigation. In my opinion, the rate requested for his work, \$390 per hour, is reasonable. I understand that Mr. Godkin charged \$550 per hour in 2004 when he was a partner at Testa, Hurwitz & Thibeault, LLP, when this case was filed. I understand that since forming his own firm in February 2005, Mr. Godkin has billed his clients at a rate of \$390 per hour. I believe that the rate of \$390 per hour is appropriate for this case, particularly considering Mr. Godkin's outstanding credentials and the outstanding result he obtained for the Plaintiff. Hourly rates of

\$130 - 205 per hour for associates and \$90-100 per hour for a paralegal are appropriate rates for this matter.

7. I understand that Mr. Godkin was co-counsel in this case with Michael T. Kirkpatrick, a staff attorney with Public Citizen Litigation Group in Washington, D.C. since 2004. I understand that Mr. Kirkpatrick has 15 years experience in civil rights litigation, including four years with the Farm Worker Division of Texas Rural Legal Aid, Inc. and nine years as a senior trial attorney with the Civil Rights Division of the U.S. Department of Justice. I believe that the rate of \$375 per hour for Mr. Kirkpatrick is reasonable in light of his experience and extensive civil rights expertise.

8. In a case like this it was appropriate to bill for both Mr. Godkin and Mr. Kirkpatrick with associate attorney and paralegal support. I understand that Mr. Godkin and Mr. Kirkpatrick took care not to duplicate efforts, and have not billed for more than one attorney for most tasks. I would expect any firm handling this case to have both Mr. Godkin and Mr. Kirkpatrick and an associate participate in the trial.

9. I understand that plaintiff is requesting compensation for approximately 1,700 hours in this matter. In my opinion this is a reasonable amount of time in light of the issues raised in this case. I understand that Mr. Godkin and Mr. Kirkpatrick exercised billing judgment and reduced the amount of time billed eliminating from the bill some of the time that they and the associates actually spent on the case. I am familiar with the facts and procedural history of the Cerqueira matter. I am aware of the complexities concerning this litigation. I believe that these factors justify granting the plaintiff's Motion for Attorneys' Fees.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Howard Friedman
Howard Friedman